

**28.6611**

**Knowledge Of Injury**

The State must prove that the defendant actually knew of the injury to another or that the defendant possessed knowledge that would lead to a reasonable anticipation that such injury had occurred. Circumstantial evidence may be used to prove such knowledge.

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**SOURCE:** *State v. Porras*, 125 Ariz. 490, 493, 610 P.2d 1051, 1054 (1980), *appeal after remand*, 133 Ariz. 417, 652 P.2d 156 (App. 1982).

**USE NOTE:** Use this instruction in conjunction with Instruction 28.661. Failure to instruct the jury on the issue of defendant's knowledge of the personal injury of the victim is fundamental, reversible error. *State v. Blevins*, 128 Ariz. 64, 68, 623 P.2d 853, 857 (1981).

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